
SENATE BILL 6881

State of Washington

60th Legislature

2008 Regular Session

By Senator Fraser

Read first time 01/30/08. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to environmental noise abatement; amending RCW
2 46.09.120 and 46.09.190; prescribing penalties; and providing an
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.09.120 and 2006 c 212 s 3 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (4) of this section, it is a
8 traffic infraction for any person to operate any nonhighway vehicle:

9 (a) In such a manner as to endanger the property of another;

10 (b) On lands not owned by the operator or owner of the nonhighway
11 vehicle without a lighted headlight and taillight between the hours of
12 dusk and dawn, or when otherwise required for the safety of others
13 regardless of ownership;

14 (c) On lands not owned by the operator or owner of the nonhighway
15 vehicle without an adequate braking device or when otherwise required
16 for the safety of others regardless of ownership;

17 (d) Without a spark arrester approved by the department of natural
18 resources;

1 (e) Without an adequate, and operating, muffling device which
2 effectively limits vehicle noise to no more than (~~eighty-six decibels~~
3 ~~on the "A" scale at fifty feet as measured by the Society of Automotive~~
4 ~~Engineers (SAE) test procedure J 331a, except that a maximum noise~~
5 ~~level of one hundred and five~~) ninety-six decibels on the "A" scale at
6 a distance of twenty inches from the exhaust outlet (~~shall be an~~
7 ~~acceptable substitute in lieu of~~) measured consistent with the Society
8 of Automotive Engineers test procedure J (~~331a~~) 1287 when measured:

9 (i) At a forty-five degree angle at a distance of twenty inches
10 from the exhaust outlet;

11 (ii) With the vehicle stationary and the engine running at a steady
12 speed equal to one-half of the manufacturer's maximum allowable ("red
13 line") engine speed or where the manufacturer's maximum allowable
14 engine speed is not known the test speed in revolutions per minute
15 calculated as sixty percent of the speed at which maximum horsepower is
16 developed; and

17 (iii) With the microphone placed ten inches from the side of the
18 vehicle, one-half way between the lowest part of the vehicle body and
19 the ground plane, and in the same lateral plane as the rearmost exhaust
20 outlet where the outlet of the exhaust pipe is under the vehicle;

21 (f) On lands not owned by the operator or owner of the nonhighway
22 vehicle upon the shoulder or inside bank or slope of any nonhighway
23 road or highway, or upon the median of any divided highway;

24 (g) On lands not owned by the operator or owner of the nonhighway
25 vehicle in any area or in such a manner so as to unreasonably expose
26 the underlying soil, or to create an erosion condition, or to injure,
27 damage, or destroy trees, growing crops, or other vegetation;

28 (h) On lands not owned by the operator or owner of the nonhighway
29 vehicle or on any nonhighway road or trail, when these are restricted
30 to pedestrian or animal travel;

31 (i) On any public lands in violation of rules and regulations of
32 the agency administering such lands; and

33 (j) On a private nonhighway road in violation of RCW 46.09.115(3).

34 (2) It is a misdemeanor for any person to operate any nonhighway
35 vehicle while under the influence of intoxicating liquor or a
36 controlled substance.

37 (3)(a) Except for an off-road vehicle equipped with seat belts and
38 roll bars or an enclosed passenger compartment, it is a traffic

1 infraction for any person to operate or ride an off-road vehicle on a
2 nonhighway road without wearing upon his or her head a motorcycle
3 helmet fastened securely while in motion. For purposes of this
4 section, "motorcycle helmet" has the same meaning as provided in RCW
5 46.37.530.

6 (b) Subsection (3)(a) of this section does not apply to an off-road
7 vehicle operator operating on his or her own land.

8 (c) Subsection (3)(a) of this section does not apply to an off-road
9 vehicle operator operating on agricultural lands owned or leased by the
10 off-road vehicle operator or the operator's employer.

11 (4) It is not a traffic infraction to operate an off-road vehicle
12 on a street, road, or highway as authorized under RCW 46.09.180.

13 **Sec. 2.** RCW 46.09.190 and 1979 ex.s. c 136 s 42 are each amended
14 to read as follows:

15 (1) Except as provided in RCW 46.09.120(2) and 46.09.130 (~~as now~~
16 ~~or hereafter amended~~)), violation of the provisions of this chapter is
17 a traffic infraction for which a penalty of not less than (~~twenty-~~
18 ~~five~~) one hundred dollars may be imposed for a first offense.
19 Subsequent offenses shall result in a doubling of the penalty, with a
20 maximum penalty of eight hundred dollars for a single violation.

21 (2) In addition to the penalties provided in subsection (1) of this
22 section, the owner and/or the operator of any nonhighway vehicle shall
23 be liable for any damage to property including damage to trees, shrubs,
24 or growing crops injured as the result of travel by the nonhighway
25 vehicle. The owner of such property may recover from the person
26 responsible three times the amount of damage.

27 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2008.

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